

Application Serial Number 10/722,805
Reply to Office Action Dated 3/21/07

REMARKS/ARGUMENTS

Claims 1, 3, 5, and 6-27 are presented for the Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

Directing attention to the grounds for rejection, claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as obvious over USPN D298,597 issued to Bell in view of USPN 6,899,250 issued to FitzSimons et al. Bell discloses a design for a vertical paper towel dispenser having a circular base, a vertical spindle and a circular top. FitzSimons et al. discloses a wet and dry towel dispenser having coaxially oriented enclosed compartments for the wet and dry towels. It is asserted that it would be obvious to provide the paper towel dispenser of Bell with a wet wipes dispenser above or below the dry towel roll as taught by FitzSimons et al.

As an initial matter, the base of the dispenser of Bell includes a small projection which would likely be used to initiate tearing of the towel during dispensing, which projection is noted in the rejection as being a "shroud". Applicants do not agree with the characterization of this structure as a "shroud". According to the dictionary and consistent with that term's use in Applicants' specification and claims, a shroud is something that conceals or protects. Also, see Applicants' specification at page 6, lines 20-26, where the function of the shroud is described as assisting in holding the roll in place when the optional spindle is not present, or to protect the dry substrate from splashing when used near sinks. The small projection on the base of the dispenser of Bell would not perform either of these functions.

Returning to the grounds for rejection, Applicants believe the teachings of Bell and FitzSimons et al. are incompatible with each other and not properly combined. One of ordinary skill in the art would not seek to modify the dispenser of Bell, which is entirely open, with the teachings of FitzSimons et al., which teaches virtually complete enclosure of both the wet and dry wipes. Simply adding a wet wipe container to the top of Bell would appear to make the combination rather unstable. In addition, the top of the Bell dispenser is intended to be removable in order to place a paper towel roll onto the spindle. Providing a wet wipe dispenser on top of the top would interfere with the function of the top and

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certainly would not be an obvious thing to do. And placing a wet wipe dispenser below the dry roll, yet above the base of the Bell dispenser would not be obvious because it would clearly interfere with the function of the vertical tearing projection. And placing the wet wipes dispenser below the base of Bell would not meet Applicants' requirement that the wet substrate source be supported by the freestanding dispenser. For all of these reasons, claims 1 and 5 are not obvious from the combined teachings of Bell and FitzSimons et al.

Claims 6-8, 10-19, 22, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as obvious over USPN D298,597 issued to Bell in view of USPN 6,899,250 issued to FitzSimons et al. and further in view of USPN 6,512,656 issued to Placik. It is asserted that it would have been obvious to provide a wet wipe dispenser, as taught by Placik, under the dispenser of Bell and integrated as the base of the dispenser of Bell.

However, as discussed above, placing a wet wipe dispenser below the base of Bell would not result in a freestanding dispenser in which the source of a wet substrate would be supported by the freestanding dispenser as claimed in independent claim 1 and all of the rejected dependent claims. Specifically in regard to claim 6, the wet wipe dispenser of Placik merely teaches dispensing through the top of the dispenser. Such top dispensing would not be compatible with placing such a dispenser below the paper towels of Bell since one could not withdraw them.

With regard to claims 7 and 8, none of the references teach or suggest a shroud, as discussed above, which is clearly illustrated in Applicants' Figure 1, for example. Claims 14 and 15, which also refer to the shroud, are also not obvious for at least the same reason.

The remaining rejected claims (10-13, 16-19, 22, 25 and 26) are believed to be patentable at least for the reasons set forth above regarding the claims from which they depend.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as obvious over USPN D298,597 issued to Bell in view of USPN 6,899,250 issued to FitzSimons et al. and USPN 6,512,656 issued to Placik and further in view of USPN 4,030,676 issued to Bardsley. However,

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claim 9 is believed to be patentable for the same reasons set forth above regarding independent claim 1 and dependent claims 6 and 8.

Claims 20, 21 and 27 stand rejected under 35 U.S.C. § 103(a) as obvious over USPN D298,597 issued to Bell in view of USPN 6,899,250 issued to FitzSimons et al. and USPN 6,512,656 issued to Placik and further in view of USPN 6,206,221 issued to Bando et al. However, these claims are believed to be patentable over the cited references for the same reasons set forth above regarding independent claim 1 and dependent claims 6, 7 and 8.

Claims 23-24 stand rejected under 35 U.S.C. § 103(a) as obvious over USPN D298,597 issued to Bell in view of USPN 6,899,250 issued to FitzSimons et al. and USPN 6,512,656 issued to Placik and further in view of USPN 4,535,912 issued to Bonk. However, these claims are believed to be patentable over the cited references for the same reasons set forth above regarding independent claim 1 and dependent claims 6 and 8. In addition, having a dispensing opening in the side as claimed is not suggested by Placik, which only teaches dispensing through the top of the dispenser. Hence this combination of references does not render the claimed dispenser obvious.

For the reasons stated above, it is believed that all of the claims are in condition for allowance and such action is earnestly solicited. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at (920) 721-3616.

Respectfully submitted,

LOÏC GRÉBONVAL ET AL.

By:



Gregory E. Croft

Registration No. 27,542

Attorney for Applicant(s)

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